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Supreme Court, U.S.
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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

NORMAN CARL RABIN

PETITIONER,

vs.

U.S. INTELLIGENCE, INCLUDING: (& EMPLOYEES IN PAST/PRESENT OF) CENTRAL INTELLIGENCE AGENCY; (& EMPLOYEES IN PAST OF) U.S. DEPARTMENT OF DEFENSE; (& MEMBERS OF) CONGRESS OF THE UNITED STATES; AND, ASSOCIATES OF U.S. INTELLIGENCE; AND, THE U.S.A.

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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58 pp

QUESTION PRESENTED

IS THE U.S. DISTRICT COURT, OR THE U.S. COURT OF APPEALS, OR NOW HERE, THE U.S. SUPREME COURT, EMPOWERED TO PROVIDE RELIEF, FROM U.S. GOVERNMENT OPERATED ELECTROMAGNETIC (SATELLITE(S)-BASED) SIGNALS-ASSAULTS, OF A COMPLAINING PLAINTIFF: WHO HAD COMPLAINED TO THE U.S. GOVERNMENT, FOR OVER 2 AND 3/4 YEARS, OF NOT-STOPPED SIGNALS-ASSAULTS; AND, WHO HAD BEEN, FOR OVER 7 AND 1/2 YEARS, A VICTIM OF APPARENTLY-TREASON-BASED DEPRIVATIONS OF LIBERTY, THROUGH SIGNALS-ASSAULTS AT VARIOUS TIMES;, WHERE THE PLAINTIFF HAD SOUGHT TO ASSERT HIS U.S. CONSTITUTIONAL FIFTH AMENDMENT RIGHT TO LIBERTY AND HIS U.S. CONSTITUTIONAL FOURTH AMENDMENT RIGHT TO BE SECURE IN HIS PERSON?

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"OPEN EYE RULING" - U.S. SUPREME COURT SCHOLARSHIP, CONCERNING SIGNALS-ASSAULT, PRESUMABLY CONDUCTED DURING AUGUST, 1992 THROUGH OCTOBER, 1992, AT LEAST PARTIALLY AS A RESULT OF PETITIONER SUBMITTING A SUBSTANTIAL COMPLAINT OF CRIME, "SUPPLEMENTAL INFORMATION PACKET #3", TO THE U.S. DEPARTMENT OF JUSTICE, ON AUGUST 7, 1992.

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U.S. INTELLIGENCE, INCLUDING: (& EMPLOYEES IN PAST/PRESENT OF) CENTRAL INTELLIGENCE AGENCY; (& EMPLOYEES IN PAST OF) U.S. DEPARTMENT OF DEFENSE; (& MEMBERS OF) CONGRESS OF THE UNITED STATES; AND, ASSOCIATES OF U.S. INTELLIGENCE; AND, THE U.S.A.

RESPONDENT.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONER, NORMAN CARL RABIN, RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT DENYING HIS APPEAL OF DISMISSAL OF HIS COMPLAINT, SUCH ORDER ALSO DENYING HIS APPEAL FOR A PRELIMINARY INJUNCTION AS MOOT, BOTH APPEALS HAVING ASKED FOR RELIEF, AGAINST OUR U.S. GOVERNMENT, FROM DEPRIVATIONS OF LIBERTY, THROUGH SIGNALS ASSAULTS: CONSTANTLY-UNSTOPPED YET COMPLAINED ABOUT FOR OVER 2 AND 3/4 YEARS (PRIOR TO COMPLAINT); AND, AT VARIOUS TIMES, AND APPARENTLY TREASON-BASED, FOR OVER 7 AND 1/2 YEARS (PRIOR TO COMPLAINT).

THE PETITIONER HAD CITED: HIS FIFTH AMENDMENT RIGHT TO NOT BE DEPRIVED OF LIBERTY WITHOUT A (CONVENTIONAL) PROCESS OF LAW; AND, HIS FOURTH AMENDMENT RIGHT TO BE SECURE IN HIS PERSON, FROM RAREFICATIONS OF ELECTROMAGNETIC ENERGY WHICH CAN BE RECEIVED BY HIS HUMAN BODY AND WHICH ARE TRANSMITTED TO TRESPASS (I.E., TO PHYSICALLY MEET) HIS HUMAN BODY.

OPINIONS BELOW

THE (UNPUBLISHED) ORDER OF THE COURT OF APPEALS, SECOND CIRCUIT, APPEARS IN APPENDIX A

TO THIS PETITION. AN (UNPUBLISHED) COURT REPORTER'S TRANSCRIPT OF THE DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK PROCEEDING WHERE THE PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION WAS DENIED APPEARS IN APPENDIX C TO THIS PETITION. THE (UNPUBLISHED) ORDER OF THE DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK WHICH DISMISSED THE CASE APPEARS IN APPENDIX B.

JURISDICTION

THE COURT OF APPEALS ORDER IN THIS MATTER WAS FILED JANUARY 27, 1994. A SUBSTANTIVE, CONSTRUCTIVE, AND PURPOSEFUL "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE" WAS FILED ON FEBRUARY 2, 1994. THE COURT OF APPEALS' DENIAL OF THE "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE" WAS ISSUED ON MARCH 11, 1994 AND IS SET FORTH IN APPENDIX D. THIS COURT'S JURISDICTION IS INVOKED UNDER TITLE 28, U.S.C. SECTION 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENTS V AND IV TO THE UNITED STATES CONSTITUTION ARE SET FORTH IN APPENDIX E.

STATEMENT OF THE CASE

THE ORIGINAL COMPLAINT, OF THE PETITIONER, PRO SE, TO UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, INVOKED THAT COURT'S JURISDICTION "pursuant to: U.S. Constitution, Amendments, Article 5; and, U.S. Federal Government, itself, having operated weapons depriving me of Liberty. Assaults are Interstate Assaults ...". ARTICLE 4, OF THE U.S. BILL OF RIGHTS, WAS ALSO CITED. (PAGE 1 [COMPLAINT]). IN PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION ("MPI"), PETITIONER ASSERTED THAT THE CASE RESIDED IN A COURT WHICH WAS "empowered to consider" THE CASE, BECAUSE "the case arises under Amendment 5 to the U.S. Constitution", AND ARTICLE 3, SECTION 2, OF THE U.S. CONSTITUTION, RESULTINGLY, PROVIDES SUCH "Power". (PAGE 2, MPI).

PETITIONER, PRO SE, HERE CITES TITLE 28, U.S.C. SECTION §1331, AS PROVIDING JURISDICTION FOR THE DISTRICT COURT, FOR HIS "civil action", WHICH DOES ARISE "under the Constitution". (§ 1331). FURTHERMORE, PETITIONER HERE CITES PARKVIEW CORP. V. DEPARTMENT OF ARMY, ETC., 490 F. SUPP. 1278 (1980):

"However, § 1331(a) does not waive the federal defendants' right to sovereign immunity with regard to claims for monetary damages ... ... Accordingly, the plaintiff's claim for monetary

relief against the federal defendants must be dismissed. However, I see no reason to dismiss any of the plaintiff's substantive allegations nor its claim for injunctive relief on this ground since §1331(a) provides this court with jurisdiction over such claims." 490 F. SUPP. AT 1281.

ON AUGUST 16, 1993, PETITIONER, PRO SE, FILED CIVIL COMPLAINT IN THE EASTERN DISTRICT OF NEW YORK, AT THE UNIONDALE COURTHOUSE, CITING A "CAPITAL FELONY DEPRIVATION OF LIBERTY", THROUGH "SIGNALS-ASSAULTS AT VARIOUS TIMES DURING" "Dec. 31, 1985 through Aug. 15, 1993", "WITH CONSTANT DEPRIVATION OF LIBERTY" "from Oct. 15, 1990 through Aug. 15, 1993" (PAGE 1 [COMPLAINT]), AND REQUESTING THAT THE "Complaint be considered immediately by the Court" (PAGE 4 [COMPLAINT]).

PETITIONER COMPLAINED THAT HE HAD BEEN "initially assaulted by Department of Defense satellite operations after [INNOCENTLY] taking out to read on Dec. 30, 1985, and then after reading over New Year's Eve 1986, the founding [BIOMATHEMATICS] Ph.D. [DISSERTATION] of [HIS THEN-EMPLOYER] OCG Technology [INC.]." PETITIONER HAD BEEN EMPLOYED AS A "software engineer at their Farmingdale, Long Island, N.Y. subsidiary, Optronic Labs". (PAGE 1, ATTACHMENT 2 [TO COMPLAINT]). DEFENSE DEPARTMENT SATELLITE OPERATIONS ASSAULTED PETITIONER FROM DECEMBER 31, 1985 THROUGH JANUARY 5, 1986. (PAGE 3, MPI).

PETITIONER COMPLAINED THAT DURING "Jan. 5/6-Feb. 2, 1986", "U.S. Intelligence" (ALLEGED TO BE CENTRAL INTELLIGENCE AGENCY ("C.I.A.") SATELLITE OPERATIONS (PAGE 3, MPI)) CONDUCTED A "treasonous" "extended-mania-plot to please the Soviets [U.S.S.R.] to free then Soviet Jewish Prisoner [MATHEMATICIAN] A. B. Shcharansky. On Feb. 2, 1986, the Reagan Administration announced that Mr. Shcharansky would soon be freed. Mr. Rabin had been hospitalized about 1 A.M. Feb. 2, 1986, for mania, for his first-ever psychiatric-hospitalization." (PAGE 1, ATTACHMENT 1 [TO COMPLAINT]).

MR. SHCHARANSKY WAS FREED FROM THE U.S.S.R. ON FEBRUARY 11, 1986.

PETITIONER ALLEGED THAT "Presumably, the Defendants had agreed, as part of the terms of [THE AGREEMENT WHICH FREED MR. SHCHARANSKY], that the [PETITIONER] would take psychiatric medications for some specified number of years." (PAGE 2 [COMPLAINT]).

PETITIONER COMPLAINED THAT DEFENDANTS HAD ASSAULTED HIM WITH SATELLITE-CAUSED "mania" DURING JANUARY THROUGH MARCH 1986, DURING AUGUST 1987, AND DURING MARCH 1989, CAUSING 2, +1, +1 PSYCHIATRIC HOSPITALIZATIONS; 0, +1, +1 JOB LOSSES; AND, 1, +1, +0 SUCCESSIVE PSYCHIATRIC MEDICATIONS TO BE PRESCRIBED. (PAGE 1, ATTACHMENT 1; PAGE 2 [COMPLAINT]; PAGE 1, ATTACHMENT 2). PETITIONER CITED A "Less-Major satellite assault, at [PETITIONER], by Defendants", DURING

"1989(Sept.-Oct.), causing: 1 [ADDITIONAL] job loss." (PAGE 2 [COMPLAINT]). PETITIONER COMPLAINED OF HAVING SUFFERED THROUGH "brain-chemistry-reactive depression" "following each of the 3 satellite [CAUSED] manias". (PAGE 3, ATTACHMENT 2 [TO COMPLAINT]).

PETITIONER COMPLAINED THAT DEFENDANTS HAD ASSAULTED HIM DURING HIS "attempting withdrawal from psychiatric medications, during: mid-late Dec. 1989; and Feb. - Early March 1990;", "causing": "1, +1 hospitalizations". PETITIONER STATED THAT HE SUCCESSFULLY WITHDREW FROM PSYCHIATRIC MEDICATIONS "during mid-April 1990" THROUGH "mid-June 1990". (PAGE 2 [COMPLAINT]).

PETITIONER COMPLAINED THAT DEFENDANTS ASSAULTED HIM "with assaultive body-monitoring, and tracking, using satellites-based signals, during: May - July, 1990". (PAGE 2 [COMPLAINT]).

PETITIONER CLAIMED THAT DEFENDANTS APPARENTLY PROVIDED THE COUNTRY OF IRAQ WITH THE DATE OF PETITIONER'S TWO-WEEKS-PRESCHEDULED AUGUST 1-2, 1990 EL-AL AIRLINES FLIGHT, FROM NEW YORK TO ISRAEL. PETITIONER CLAIMED THAT DEFENDANTS HAD PUBLICIZED TO "Iraq/Kuwait" THAT PETITIONER WAS "their SYMBOL of soviet-jewry" or "[their SYMBOL of] human-rights-abuse". (PAGE 1, ATTACHMENT 1 [TO COMPLAINT]).

IRAQ INVADED KUWAIT DURING THE A.M. HOURS OF AUGUST 2, 1990.

PETITIONER CITED NEWSPAPER COVERAGE OF A MAY 28-30, 1990 "three-day summit meeting", IN BAGHDAD, IRAQ, WHICH REPORTED THAT "Arab leaders today [MAY 30] denounced Soviet Jewish immigration to Israel as a grave threat to their security". (PAGE 2, ATTACHMENT 1).

PETITIONER COMPLAINED OF BEING "assaulted by Defendants, with signals, in Jerusalem, Israel, during" "Aug. 2 - 17, 1990".

PETITIONER COMPLAINED THAT, DURING AUGUST 17, 1990 THROUGH OCTOBER 14, 1990, DEFENDANTS ASSAULTED HIM WITH VARIOUS SIGNALS ASSAULTS. (PAGE 3 [COMPLAINT]).

PETITIONER STATED THAT "Up to Oct. 15, 1990, Mr. Rabin did not realize that U.S. Intelligence had targeted his life." (PAGE 1, ATTACHMENT 1 [TO COMPLAINT]).

PETITIONER COMPLAINED THAT SINCE "Oct. 15, 1990", DEFENDANTS HAVE HELD PETITIONER "Satellite Hostage" "of a biofrequency model of his human body", SUBJECTING HIM TO "tracking", [ASSAULTIVE] "full body monitoring", [ASSAULTIVE] "thought monitoring", and "voice-assault". PETITIONER ALSO COMPLAINED OF: BIOFREQUENCY "assaults" (PAGE 3 [COMPLAINT]) ("torments", HARASSMENTS, "tortures" (PAGE 3, ATTACHMENT 2; PAGE 1, MPI; AND, AFFIDAVITS TO

MPI, OF AUGUST 19, AUGUST 23, AND AUGUST 26, 1993)); "Mind-control assaults" (PAGE 3, ATTACHMENT 2); AND, DEBILITATION (PAGE 4 [COMPLAINT], WITH REFERENCE TO GRADUATE-LEVEL MATHEMATICS COURSES). ALSO, PETITIONER COMPLAINED OF BEING ASSAULTED BY "artificial dreams", DURING HIS SLEEP, ON A "notably regular" BASIS "since late Dec. 1990" (PAGE 3 [COMPLAINT]).

PETITIONER COMPLAINED OF HAVING "extreme thyroid suppression" (PAGE 1, ATTACHMENT 1; PAGE 4, ATTACHMENT 2) AS MEASURED BY THYROID STIMULATING HORMONE (TSH) BLOOD TESTS (PAGE 1, ATTACHMENT 1; PAGE 5, MPI). PETITIONER STATED THAT HE HAS "every reason to believe" THAT SUCH THYROID SUPPRESSION IS "resultant from satellite biofrequency monitorings and assaults, and perhaps also, to some lesser degree, from "EMF" satellite surveillance [IF PRESENT]" (PAGE 3, REPLY2).

PETITIONER COMPLAINED THAT HE HAD RESTRICTED HIS ACTIVITIES "out of his concern ... that other people:" "not be exposed to electromagnetic signals aimed at [PETITIONER]"; "nor be subjected to signals-assaults aimed at themselves". (PAGE 3 [COMPLAINT]).

PETITIONER ALSO COMPLAINED OF HAVING BEEN "intimidated, by Defendants, who appear to have murdered ... people ['AROUND'] him." (PAGE 3 [COMPLAINT]). (ATTACHMENTS 3 AND 4 [TO COMPLAINT] CITED POSSIBLE MURDERS 'AROUND' PETITIONER.)

PETITIONER HAS ALLEGED THAT SIGNALS-ASSAULTS, "have caused the [PETITIONER] To work less than 2 [AND] 1/2 years of relatively healthy working years, since Jan. 1, 1986, and even those years were subjected to [PETITIONER] taking psychiatric medications, taken as prescribed, for symptoms, caused by signals-assaults, by Defendants." PETITIONER HAS INDICATED HIS PREFERENCE "To have married someone near his own age" and "To have started a family" "during his 20's".

PETITIONER HAS ASSERTED THAT "it was his right to have been able" "To Develop his Career and Education during all his years, from 25 years of age through his current age". (PAGE 4 [COMPLAINT]).

AFTER STUMBLING THROUGH NOT-ACCEPTED MOTIONS FOR A TEMPORARY RESTRAINING ORDER, PETITIONER, PRO SE, FILED HIS MOTION FOR A PRELIMINARY INJUNCTION ON SEPTEMBER 8, 1993.

ON SEPTEMBER 15, 1993, U.S. ATTORNEY'S OFFICE OFFERED THEIR MOTION TO DISMISS, AND THEIR OPPOSITION TO PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION. PETITIONER FILED REPLY ("REPLY1") ON SEPTEMBER 23, 1993.

ON SEPTEMBER 24, 1993, PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION WAS HEARD, AND DENIED. (ON SEPTEMBER 29, 1993, PETITIONER INCLUDED A COPY OF A TRANSCRIPT OF THE COURT PROCEEDINGS , IN A REQUEST FOR SATELLITE(S)-RELATED RECORDS, TO U.S. SPACE

COMMAND. PETITIONER RECEIVED NO REPLY THROUGH DURATION OF APPEAL.) THE ORDER OF DENIAL WAS ISSUED SEPTEMBER 27, 1993.

ON SEPTEMBER 22, 1993, U.S. HOUSE OF REPRESENTATIVES' OWN ATTORNEYS OFFERED THEIR MOTION TO DISMISS ("HMTD"), WHICH INCLUDED A STATEMENT (PAGE 6 [HMTD]) THAT "no particular actions have been taken by House Defendants with regards to Plaintiff's claims of violations of his private rights.

ON OCTOBER 4, 1993, PETITIONER FILED REPLY ("REPLY2"), WHICH INCLUDED: A CLARIFICATION OF HOW TO IDENTIFY A HUMAN INDIVIDUAL HOUSE DEFENDANT; AND, A STATEMENT OF BELIEF THAT ONE OR MORE SUCH HUMANS DO EXIST. (PAGE 1 [REPLY2]).

ON OCTOBER 23, 1993, DISTRICT COURT ISSUED THE ORDER ("ORDER") DISMISSING THE PETITIONER'S CASE, CONCERNING ALL PARTIES, FOR LACK OF SUBJECT MATTER JURISDICTION, BECAUSE "the action for a constitutional deprivation is barred by the doctrine of sovereign immunity" (PAGE 4 [ORDER]). FURTHERMORE, THE HOUSE DEFENDANTS WERE GRANTED DISMISSAL FOR "failure to state a claim" (PAGE 6 [ORDER]), BECAUSE "the complaint [SIC] contains no specific allegations" AS TO HOW ANY NAMED INDIVIDUAL HOUSE DEFENDANT HAS "violated the law or injured the plaintiff" (PAGE 5 [ORDER]).

ON DECEMBER 23, 1993, PETITIONER FILED NOTICE OF APPEAL AT DISTRICT COURT. MOTIONS OF APPEALS, OF DISMISSAL("MTN1"), AND FOR PRELIMINARY INJUNCTION ("MTN2"), WERE DATE STAMPED ON DECEMBER 27, 1993, BUT ACTUALLY SUBMITTED ON DECEMBER 28, 1993, AT THE COURT OF APPEALS, SECOND CIRCUIT.

ON JANUARY 10, 1994, U.S. ATTORNEY'S OFFICE OFFERED THEIR MOTION TO DISMISS, AS UNTIMELY, APPEAL FOR PRELIMINARY INJUNCTION. PETITIONER FILED REPLY ON JANUARY 13, 1994.

ON JANUARY 27, 1994, THE COURT OF APPEALS, SECOND CIRCUIT, ISSUED ORDER DISMISSING PETITIONER'S APPEAL OF DISMISSAL FOR "lack of subject matter jurisdiction". ON FEBRUARY 1, 1994, THE ORDER WAS ISSUED AS MANDATE.

ON FEBRUARY 2, 1994, PETITIONER FILED A SUBSTANTIVE, CONSTRUCTIVE, AND PURPOSEFUL "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE", AT THE COURT OF APPEALS, SECOND CIRCUIT.

ON MARCH 11, 1994, THE COURT OF APPEALS, SECOND CIRCUIT, ISSUED SIMPLE DENIAL OF PETITIONER'S "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE".

PETITIONER'S APPEAL, STAMPED DECEMBER 27, 1993, HAD REQUESTED THE COURT OF APPEALS,

TO: STATE A RULE, CONCERNING "unconventional, Interstate, Governmental Electromagnetic Signals-Assault", AS CONCERNS "Process of Law" AND "Liberty'; AND, TO STATE A RULE, CONCERNING "Electromagnetic Signals uses, upon the persons of citizens", AS CONCERNS "honoring the 4th Article of the Bill of Rights". (PAGE 4, MTN1). ALSO, APPEAL CLAIMED that "Innocent [PETITIONER HAD] been subjected to a Cruel and Unusual 7 years and 11 [AND] 1/2 months of Treason" (PAGE 4, MTN1).

PETITIONER'S APPEAL FOR PRELIMINARY INJUNCTION REQUESTED "Appeals Court to consider that District Court did not reach a proper conclusion based on fact" (PAGE 3, MTN2).

PETITIONER HAS REFERRED IN DISTRICT COURT: PAPERS (PAGE 4, REPLY1); AND, IN COURT (APPENDIX C, PAGE C-7 AND C-8);, AND ALSO IN HIS "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE" AT THE COURT OF APPEALS, TO THE U.S. SUPREME COURT HAVING CONDUCTED SCHOLARSHIP, CONCERNING SIGNALS-ASSAULT, REFERRED TO AS THE "OPEN-EYE RULING", DURING SEPTEMBER 1992, AFTER, AND AS A PARTIAL RESULT OF, PETITIONER'S HAVING SUBMITTED A VERY SIGNIFICANT COMPLAINT, OF CRIME, TO THE U.S. JUSTICE DEPARTMENT, ON AUGUST 7, 1992.

REASONS FOR GRANTING THE WRIT

CERTIORARI SHOULD BE GRANTED FOR TWO REASONS: FOREMOST, PETITIONER UNDERSTANDS THAT HIS CASE IS TOO HORRIBLE A VIOLATION, OF A CITIZEN'S 5TH AND 4TH AMENDMENT RIGHTS, FOR OUR U.S. COURTS NOT TO CONSIDER GRANTING RELIEF; AND, SECONDLY, PETITIONER POLITELY GESTURES TO THE U.S. SUPREME COURT, TO PLEASE EXPRESS YOURSELF, CONCERNING HIS CASE, AFTER YOUR COURT HAS CONDUCTED SCHOLARSHIP, AS A RESULT OF HIS COMPLAINTS OF CRIME HAVING ALREADY BEEN BROUGHT TO YOUR COURT'S ATTENTION.

IN WILSON V. SHAW, 204 US 24 (1907), THE COURT HELD:

"That, generally speaking, a citizen may be protected against wrongful acts of the Government affecting him or his property may be conceded. ... A suit for an injunction is an equitable proceeding, and the interests of the defendant are to be considered as well as those of the plaintiff. Ordinarily it will not be granted when there is adequate protection at law." 204 US AT 31.

PETITIONER HAS AFFORDED THE GOVERNMENT THE OPPORTUNITY, THROUGH COMPLAINTS, TO DEVELOP "adequate protection at law". DURING THE ENTIRE SESSION OF THE 102ND

CONGRESS, NO ADEQUATE PROTECTION OF LAW WAS DEVELOPED!

IN U.S. V. MARIGOLD, 50 US 560 (1850), THE COURT STATED, AS A PRINCIPLE:

"Whatever functions Congress are, by the Constitution, authorized to perform, they are, when the public good requires it, bound to perform". 50 US AT 567.

IN STONE V. POWELL, 428 US 465 (1976), THE COURT HELD:

"State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law. Martin v. Hunter's Lessee, 1 Wheat. 304, 341-344 (1816)." 428 US AT 494.

IN TERRY V. OHIO, 392 US 1 (1968), THE COURT HELD:

"Courts which sit under our Constitution cannot and will not be made party to lawless invasions of the constitutional rights of citizens by permitting unhindered governmental use of the fruits of such invasions." 392 US AT 13.

IN WATSON V. CITY OF MEMPHIS, 373 US 526 (1963), THE COURT HELD:

"The basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling

reason, they are to be promptly fulfilled." 373 US AT 533.

MORE SPECIFIC TO THIS CASE, IN BOLLING V. SHARPE, 347 US 497 (1954), THE COURT HELD:

"Although the Court has not assumed to define "liberty" with any great precision, that term is not confined to mere freedom from bodily restraint. Liberty under law extends to the full range of conduct which the individual is free to pursue". 347 US AT 499.

PETITIONER, IN HIS MOTION FOR A PRELIMINARY INJUNCTION, CITED THAT:

"The American Heritage Dictionary, Second College Edition, defines liberty (usage 3) as "3. A right to engage in certain actions without control or interference: the liberties protected by the Bill of Rights." (PAGE 2, MPI).

CONTINUING, IN HAMPTON V. MOW SUN WONG, 426 US 88 (1976), THE COURT HELD:

"The federal sovereign, like the States, must govern impartially. The concept of equal justice under law is served by the Fifth Amendment's guarantee of due process, as well as by the Equal Protection Clause of the Fourteenth Amendment." 426 US AT 100.

IN DRED SCOTT V. SANDFORD, 60 US 393 (1856), THE COURT HELD:

"But the power of Congress over the person or property of a

citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself." 60 US AT 449.

MORE RECENTLY, IN BARENBLATT V. U.S., 360 US 109 (1959), THE COURT HELD:

"And the Congress, in common with all branches of the Government, must exercise its powers subject to the limitations placed by the Constitution on governmental action". 360 US AT 112.

FOR THE PETITIONER TO HAVE BEEN DEPRIVED OF LIBERTY, SO UNUSUALLY, AS COMPARED TO OTHER CITIZENS, DOES BETRAY THE CONCEPT OF IMPARTIALITY. ALSO, THE PETITIONER, AS A CITIZEN, HAS REAL "rights and privileges", WHICH MAY NOT BE LOST, OR DIMINISHED, THROUGH CONGRESSIONAL DISCRETION.

IN MATHEWS V. ELDRIDGE, 424 US 319 (1976), THE COURT HELD:

"The essence of due process is the requirement that "a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it." Joint AntiFascist Comm. v. McGrath, 341 U.S., at 171-172 (Frankfurter, J., concurring). All that is necessary is that the procedures be tailored, in light of the decision to be made, to "the capacities and circumstances of those who are to be heard," Goldberg v. Kelly, 397 U.S., at

268-269 (footnote omitted), to insure that they are given a meaningful opportunity to present their case." 424 US AT 348,349.

IN THIS CASE, PETITIONER NOTES THAT HE HAS BEEN SUBJECTED TO SERIOUS LOSSES, OF LIBERTY, OF THE SECURITY OF HIS PERSON, AND, RESULTINGLY, LOSSES PERTAINING TO: CAREER, EDUCATION, PREFERRED MARRIAGE AND FAMILY, AND MUCH OF "LIFE IN GENERAL". YET, THROUGHOUT HIS TIME AS A "SATELLITE HOSTAGE", WHILE HE WAS COMPLAINING TO OUR GOVERNMENT, WHAT "tailoring" WAS PROVIDED, EVEN BY THE DISTRICT COURT AND THE COURT OF APPEALS, TO THE CIRCUMSTANCES OF THIS PETITIONER : ASSAULTED, DAY AND NIGHT; DEBILITATED; AND, INTIMIDATED?

TITLE 50, UNITED STATES CODE, SECTION 1801(F) WAS CITED BY PETITIONER, IN THE DISTRICT COURT, IN HIS "REPLY TO HOUSE DEFENDANTS" (PAGE 2 [REPLY2]), AS DEMONSTRATIVE THAT SOME OF THE 4TH AMENDMENT RIGHTS, OF PETITIONER, WHICH HAVE BEEN VIOLATED, ALREADY HAVE A PLACE IN U.S. LAW. THE LANGUAGE OF THE LAW SETS FORTH "monitoring [USING A SURVEILLANCE DEVICE] to acquire information ... under circumstances in which a person has a reasonable expectation of privacy" AS PART OF A DEFINITION OF "Electronic Surveillance", INSTANCE (4). TITLE 50, SECTIONS 1809, AND 1810, SET FORTH "Criminal sanctions" AND "Civil liability", RESPECTIVELY, FOR UNAUTHORIZED "Electronic

Surveillance".

IN THE INSTANT CASE, THE PETITIONER'S THOUGHTS, AND THE BIOELECTRICITY OF THE PETITIONER'S BODY, HAVE A REASONABLE EXPECTATION OF PRIVACY, AS DO MANY OF THE PETITIONER'S VISIBLE-ACTIONS-INDOORS.

IN U.S. V. U.S. DISTRICT COURT, 407 US 297 (1972), WHICH CONCERNED WIRETAPPING, THE UNANIMOUS COURT HELD:

"We recognize .. the constitutional basis of [the President's] domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment." 407 US AT 320.

ASSUMING THAT THE PETITIONER'S RIGHTS HAVE BEEN VIOLATED UNDER SOME COLOR OF AUTHORITY OF A DOMESTIC SECURITY CONCERN, THEN, IN THE INSTANT CASE: WHERE NO PROCESS OF LAW HAS BEEN GRANTED PETITIONER, SO AS TO IDENTIFY THE PARTIES RESPONSIBLE FOR THE ACTIONS OF "U.S. INTELLIGENCE"; AND, WHERE THE SECURITY OF THE (VERY) PERSON OF THE PETITIONER IS BEING VIOLATED;, THEN EITHER: "ALL THE MORE SO"; OR, "DOUBLY ALL THE MORE SO";, SHOULD "U.S. INTELLIGENCE" BE REQUIRED TO CONDUCT ITSELF IN A MANNER COMPATIBLE WITH THE FOURTH AMENDMENT, AS REGARDS THE PETITIONER.

THIS COURT SHOULD GRANT CERTIORARI SO THAT RELIEF MAY BE CONSIDERED AS APPROPRIATE FOR U.S. COURTS TO BE ABLE TO GRANT, IN THIS CASE, WHERE THE PETITIONER'S FIFTH AND FOURTH AMENDMENT RIGHTS HAVE BEEN VIOLATED, BY USES OF ELECTROMAGNETIC SIGNALS, BY OUR U.S. GOVERNMENT, WITHOUT (CONVENTIONAL) PROCESS OF LAW, AND WHERE NO ADEQUATE PROTECTION OF LAW HAS BEEN DEVELOPED, OVER A DURATION WHICH HAS LASTED DAYS, AND WEEKS, AND MONTHS, AND YEARS.

CONCLUSION

FOR THE REASONS SET FORTH ABOVE, A WRIT OF CERTIORARI SHOULD ISSUE TO REVIEW THE ORDER OF THE COURT OF APPEALS IN THIS MATTER.

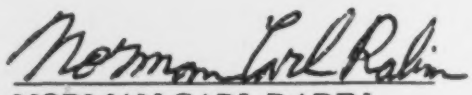
THROUGH THE DATE OF THIS PETITION [MAY 27, 1994!], DEFENDANTS ARE STILL HOLDING PETITIONER A "SATELLITE HOSTAGE" OF A BIOFREQUENCY MODEL OF THE PETITIONER'S HUMAN BODY. DEFENDANTS ASSAULT PETITIONER DAY AND NIGHT. (SEE PAGES 8, AND 9 ABOVE.)

THEREFORE, THIS PETITIONER REQUESTS NEAR-EMERGENCY-TYPE CONSIDERATION. PLEASE HELP STOP THIS ASSAULTIVE(!!), LIFE-STEALING, AND DEHUMANIZING CRIME.

ORIGINAL PETITION DATED: MAY 5, 1994.

REFORMATTED, WITH ERRATA: MAY 27, 1994.

RESPECTFULLY SUBMITTED,



NORMAN CARL RABIN

PETITIONER, PRO SE

ERRATA FOR REFORMATTED
PETITION FOR WRIT OF CERTIORARI
AFTER ORIGINAL PETITION DATED MAY 5, 1994

FORMER PAGES 2 AND 9, NOW PAGES 3 AND 12, NOW REFER TO THE "MOTION FOR CLARIFICATION AND FOR RERULING-IF-FAVORABLE" AS "SUBSTANTIVE, CONSTRUCTIVE, AND PURPOSEFUL".

AT FORMER PAGE 7, NOW PAGE 8, "BIOFREQUENCY "assaults"" NOW CITES ADDITIONAL REFERENCES TO DISTRICT COURT PAPERS.

FORMER PAGE 7, NOW PAGE 9, NOW CITES "Mind-Control assaults".

FORMER PAGE 7, NOW PAGE 9, NOW INCLUDES A PARAGRAPH CITING "extreme thyroid suppression".

FORMER PAGE 13, NOW PAGE 18, NOW INCLUDES THE WORDS "[USING A SURVEILLANCE DEVICE]", IN MENTION OF TITLE 50, UNITED STATES CODE, SECTION 1801(F).

THE "CONCLUSION", FORMER PAGE 15, NOW PAGE 20, NOW INCLUDES REQUESTS: FOR TIMELY CONSIDERATION; AND, FOR HELP TO STOP THE ONGOING CRIME OF THE PETITIONER BEING HELD "SATELLITE HOSTAGE".

APPENDIX A

E.D.N.Y.
93 Civ. 3681
Spatt, J.

UNITED STATE COURT OF APPEALS
FOR THE
SECOND CIRCUIT

UNITED STATES COURT OF APPEALS
FILED
JANUARY 27, 1994
GEORGE LANGE III, CLERK
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United State Courthouse in the City of New York, on the
twenty-seventh day of January
one thousand nine hundred and ninety-four,

Norman Carl Rabin,

Plaintiff-Appellant,

v.

Central Intelligence Agency, including (8 Employees in past/present of) Central Intelligence Agency; (8 Employees in past of) U.S. Department of Defense; (8 members of) Congress of the United States; and associates of U.S. intelligence and the U.S.A.

Defendants-Appellees.

Motions have been made herein by appellant *pro se* for an injunction pending appeal and for appointment of counsel, and by appellees to dismiss the appeal as untimely, upon consideration thereof, it is ordered that the appeal be and it hereby is dismissed for lack of subject matter jurisdiction, and it is further ordered that appellant's motions for an injunction pending appeal and for appointment of counsel and appellees' motion to dismiss are denied as moot.

_____

_____

Circuit Judges

_____

District Judge

JMW DGJ Daly

USCA Order 1 JANUARY 27, 1994

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----------X

NORMAN CARL RABIN,

Plaintiff, **ORDER**

-against-

U.S. INTELLIGENCE, including the Central Intelligence Agency; (members of) the Congress of the United States; (employees in past of) U.S. Department of Defense; and, associates of U.S. Intelligence,

Defendants.

----------X

CV 93-3681 (ADS)

APPEARANCES:

NORMAN CARL RABIN
Plaintiff Pro Se
2150 Renfrew Avenue
Elmont, NY 11003

ZACHARY W. CARTER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
Attorney for Defendants
One Pierrepont Plaza, 11th Floor
Brooklyn, NY 11201
By: Assistant United States Attorney
Shari D. Leventhal

U.S. HOUSE OF REPRESENTATIVES
OFFICE OF THE GENERAL COUNSEL
Attorneys for U.S. Congress Defendant
H-112, The Capitol
Washington, DC 20515
By: Charles Tiefer, Esq.
Acting General Counsel
Michael L. Murray, Esq.
Senior Assistant Counsel
Richard P. Stanton
Assistant Counsel

SPATT, District Judge.

The plaintiff Norman Carl Rabin ("Rabin") commenced this action to recover for the "CAPITAL FELONY DEPRIVATION OF LIBERTY THROUGH SATELLITE(S) BASES SIGNALS-ASSAULTS AT VARIOUS TIMES DURING 7 YEARS AND 7 1/3 MONTHS . . . WITH CONSTANT DEPRIVATION OF LIBERTY FOR 34 MONTHS" (Complaint, dated August 16, 1993, at ¶ 4). Further, Rabin seeks $2,000,000.00 in initial money damages, plus a permanent injunction enjoining the defendants from: "[a]ll signals assaults; electromagnetic signals-surveillance of any

kind; Any Unidentified-as-such 'agents' assigned to watch me; (Only Identified U.S. non-Intelligence employees would be permitted to watch me, in any way. Any watch would be: discrete, negotiated; in writing)" (Complaint, at ¶ 5).

Since the plaintiff correctly recognizes in his pro se complaint that there is no federal statute governing "Biofrequency Assault", he is proceeding under, among other constitutional provisions, the Fourth Amendment to the Constitution which provides for "[t]he right of the people to be secure in their persons" (U.S. Const. amend. IV).

The defendants move to dismiss this complaint based upon Fed. R. Civ. P. 12(b) (1) on the ground that the Court lacks subject matter jurisdiction because the U.S. government has

not waived its sovereign immunity. In the alternative, the defendant U.S. House of Representatives move to dismiss the complaint: (1) pursuant to Fed. R. Civ. P. 8(a) for the failure

to include a short and plain statement of the claim; (2) pursuant to Fed. R. Civ. P. 12(b) (2) based upon a lack of personal jurisdiction; (3) pursuant to Fed. R. Civ. P. 12(b) (6) based upon the failure to state a claim, or (4) pursuant to the doctrine of official immunity, as to the U.S. House of Representative defendants.

DISCUSSION

The defendants assert that the complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b) (1) because this Court lacks subject matter jurisdiction. It is clearly established law that "an individual cannot sue the United States without its consent. Furthermore, a waiver of immunity is not lightly to be inferred "(Doe v. Civilette, 635 F. 2d 88, 93 (2d Cir. 1980]).

The United States has specifically provided that it "shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances" (28 U.S.C. § 2674).

According to the Second Circuit, however,

"[w]e do not believe that the Federal Tort Claims Act comprehends federal constitutional torts . . . Such a rule might be tantamount to a bypass of the sovereign immunity of the United States without the consent of Congress" (Birnbaum v. United States, 588 F.2d 319, 327-28 [2d Cir. 1978] [emphasis added]).

The present action alleges violations of "Amendments, Article 5, U.S. Constitution" (Complaint, at ¶ 4) due to the "signal-assaults" and the "electromagnetic signal-surveillance" of satellites which orbit around the earth (Complaint, passim). It is alleged by Mr. Rabin that these satellites have caused the plaintiff to be "subjected to assaultive signal-monitorings, of his body, and his thoughts, and has been assaulted by biofrequency voice-transmissions, by Defendants" (Complaint, at p. 3). Further, these "[a]ssaults by Defendants, upon Plaintiff [occur] during his sleep, with artificial dreams, [which] have been

notably regular since late Dec. 1990" (Complaint, at p. 3). Accordingly, since the crux of the action is the violation of the constitution, and the defendants are all United Stated governmental entities, the action for a constitutional deprivation is barred by the doctrine of sovereign immunity (See Civiletti, supra, 635 F. 2d at p. 93).

-4-

Additionally, even if the Court were to have subject matter jurisdiction over this action, the complaint contains no specific allegations about any actions by individual members of Congress with respect to the plaintiff. In such a case, courts have held that "where the complaint names a defendant in the caption but contains no allegations indicating how the defendant violated the law or injured the plaintiff, a motion to dismiss the complaint in regard to that defendant should be granted" (Morabito v. Blum, 528 F. Supp. 252, 262 [S.D.N.Y. 1981] [citing Gutierrez v. Vergari, 499 F. Supp 1040, 1052 (S.D.N.Y.) 1980); Holloway v. Carey, 482 F. Supp. 551, 553

(S.D.N.Y 1979); Child v. Beame, 417 F. Supp. 1023, 1025 (S.D.N.Y 1976]).

Therefore, the Court, alternatively, dismisses the complaint pursuant to Fed. R. Civ. P. 12(b) (6) for the failure to state a claim as to the defendants Congress of the United States.

Since the Court has dismissed the complaint pursuant to Fed. R. Civ. P. 12(b) (1) and alternatively against the members of Congress under Fed. R. Civ. P. 12(b) (6), the Court need not address the remaining motions to dismiss.

CONCLUSION

Based upon the foregoing:

1) The motions by the United States Attorney for the Eastern District of New York and the General Counsel of the U.S. House of Representatives to dismiss the compliant, with prejudice, pursuant to Fed. R. Civ. P. 12(b) (1) based upon a lack of subject matter jurisdiction, is granted;

2) The motion by the General Counsel of the U.S. House of Representatives to dismiss the complaint, in the alternative, pursuant to Fed. R. Civ. P. 12(b) (6), based upon the failure to state a claim as to the members of Congress, is granted; and

3) Having dismissed the compliant in the above manner, the court need not address the motions by the General Counsel of the U.S. House of Representatives to dismiss the complaint pursuant to Rules 8(a) and 12(b) (2).

The Clerk of the Court is advised that this action closes the case.

SO ORDERED.

Dated: Uniondale, New York
October 23, 1993

ARTHUR D. SPATT
United States District Judge

APPENDIX C

UNITED STATES OF AMERICA
EASTERN DISTRICT OF NEW YORK

NORMAN RABIN,

Plaintiff,

v.

U.S. INTELLIGENCE,

Defendant.

CV-93-3681
U.S. District Court
Uniondale, NY
September 24, 1993
9:35 a.m.

CIVIL CAUSE FOR MOTION

BEFORE THE HONORABLE ARTHUR SPATT

APPEARANCES:

For the Plaintiff: NORMAN RABIN, PRO SE.

For the Defendant: SHARI D. LEVENTHAL, ESQ.
U.A.

Assistant D.A.

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17

18

Court Reporter: MARY KATE CALLAGHAN

19 Tankoos Reporting Co.

286 Old Country Rd.., Mineola, NY

20 11 John St., New York, NY

21

22

23

24

25

PROCEEDINGS.

THE COURT: Are you Mr. Rabin?

MR. RABIN: Yes.

THE COURT: Sit at that counsel table.

Where is the government? Is Ms. Leventhal here?

MR. RABIN: She stated that written

submission -- oral submission was not requested.

THE COURT: So she is not going to be here?

MR. RABIN: Yes.

THE COURT: Do you want to say anything

before I make a decision on this, Mr. Rabin?

MR. RABIN: Yes. I am here to lend my

physical presence to the motion, to bring a motion against

the U.S. Intelligence as specified in my memo yesterday.

This is an injunction against U.S. Intelligence. The U.S. who employs U.S. Intelligence has not stopped people within its employ from assaults on me using advance satellite technologies. I am here to make simple oral mention of three particular points. As is noted in my answer of yesterday, simple oral mention--

THE COURT: I can't hear you.

MR. RABIN: -- simple oral mention of the existence of a number of United States space surveillance commands within the U.S. military, I do not know what access the Court is provided with reference to other parts

of the U.S. government. There does exist a naval space command in Virginia and a U.S. space command, as U.S. PETERSON, at which particular military space surveillance commands may be accessed, as was noted yesterday, in my reply to the memorandum of law, Defendant's, as of yesterday. Currently, right now, I was tracked to the Court by Defendants. I hope they are not assailing me now with any signals that may stir my presentation.

The second point--

THE COURT: Ms. Leventhal? Excuse me.

MS. LEVENTHAL: Good morning. I apologize. Shari Leventhal for the government.

THE COURT: Go ahead, Mr. Rabin. Let the

record indicate that the Assistant United States Attorney is present.

Anything else?

MR. RABIN: I want -- I guess I was going to -- as introduction, she could introduce herself, is that proper?

THE COURT: Surely, she has to. We call it appearances. It's normal, before I proceed.

MS. LEVENTHAL: Shari Leventhal for the government. Good morning.

THE COURT: Go ahead, Mr. Rabin. Please make it quick because I am not giving anybody much time

today, we are too busy. Five minutes is much too much time.

MR. RABIN: The second oral point, I am reading from what I submitted yesterday and lending my physical presence to it: "... every reason to believe there were transmissions from the United States Supreme Court, in September of 1992." This is U.S. technology. Apparently they had logged onto the satellite and transmitted to me through this -- by frequency technology. Submissions concerned them doing scholarship regarding this case.

In August 1992 I had submitted for the first time specific records of formal citations of assaults going back to 1986. So I didn't think it was unusual, as I noted in the answer submitted yesterday, that upon someone submitting to the United States for the first time

a major case concerning signals, an assault, that some scholarship might be done. They transmitted to me the existence of what they termed an open-eye ruling. The "open-eye" refers to a radio transmitter transmitting out radio -- outwardly, and made various definitions about what would constitute citizens' rights as assaults and interactions.

THE COURT: I don't want to interrupt you. All of this is in your papers and you are repeating

yourself. I have all of this. Is there anything else you want to tell me.

MR. RABIN: I am lending my physical presence here. I do have authentic records that I say that I have,

I have them right here. If there is any question concerning notebooks, I have 3,000 pages of notebooks here. Here are a number of them, of assaults, day and night, by frequency, over 3,000 pages of notebooks. Here are some -- and I have a notebook notation from August of 1987 and I hope that the Court would take the reality of--

THE COURT: If necessary I will look at them.

Do you want to say anything about this?

MS. LEVENTHAL: We are putting a rest on our papers. Just to briefly note, it is the government's position that Mr. Rabin's preliminary injunction must be denied because he was unlikely to succeed on the merits of this case, and as we laid

out in our papers, the Court

19 doesn't have subject matter jurisdiction since the United

20 States does not waive its immunity with respect to his

21 claims.

22 THE COURT: All right. Have a seat. I am

23 going to decide the motion.

24 The plaintiff Norman Carl Rabin moves for a

25 preliminary injunction enjoining the Defendant's U.S.

1 Intelligence, U.S. Department of Defense, et cetera, from,

2 quote, all signal assaults, electro magnetic signals,

3 surveillances of any kind at the plaintiff. In Jackson

4 Dairy against Hood, (ph.) 596 F.2d 70, Second Circuit 79,

5 a Seminal case, the Second Circuit set forth the

6 applicable standard in this

Circuit for obtaining

preliminary injunctive relief. The movant must clearly

establish the following: A, irreparable harm; and, B,

either (1) likelihood of success on the merits, or (2)

sufficiently serious questions going to the merits to make

them a foreground for litigation and a balance of

hardships tipping decidedly towards the party requesting

the preliminary relief."

There are many, many cases since then that

have reiterated those elements as the standard. A

preliminary injunction is considered an extradordinary

remedy that should not be granted as a routine matter.

J.A.G. Trading Corp. against Tray (ph.), 917, F. 2d 75, at

page 80, Second Circuit 1990. In this case the plaintiff's affidavit submitted in support of the motion for a preliminary injunction includes the following:

"Although I do not currently possess certified records showing the locations in the sky of where satellites were positioned to assault me, parts of the U.S. government which each perform a space surveillance mission, do

maintain records on perhaps all the lights in the sky. I believe some of these parts of the U.S. government do maintain records as to where satellite channels aim their signals at various times. I believe some parts of the U.S. government do maintain

such records concerning the contents of signals which are transmitted from aimed satellite channels."

Having reviewed all of the affidavits and papers in support of the motion for the preliminary injunction, and having reviewed the file and the applicable law, the Court finds that there is no likelihood of success on the merits of this action, nor are there sufficient serious questions going to the merits and a balance of hardships tipping decidedly toward the plaintiff. Accordingly, the motion for a preliminary injunction is denied.

We will cut a short-form order to that effect.

Thank you very much.

MS. LEVENTHAL: Thank you, your Honor.

(Whereupon, at 9:45 a.m., the record was adjourned.)

I hereby certify that the foregoing is a true and accurate transcript from my stenographic notes in this proceeding.

Mary Kate Callagham, cc
(name of reporter)

APPENDIX D

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

NORMAN CARL RABIN
Plaintiff-Appellant,
- vs. -
U.S. INTELLIGENCE et al.;
Use short title Defendants-Appellees

(CV93-3681)
from CV93-3681, EDNY
Each motion must be
accompanied by a supporting
affidavit.

93-6370
Docket Number

NOTICE OF MOTION

state type of motion

for Motion For Clarification
and for ReRuling-If-Favorable
for ReRuling-If-Favorable

MOTION BY: *(Name, address and tel. no. of law firm and of attorney in charge of case)*

NORMAN CARL RABIN, PRO SE
2150 RENFREW AVE.
ELMONT, NY 11003 (516) 488-3479

OPPOSING COUNSEL:
(Name, address and tel. no. of law firm and of attorney in charge of case)

Shari Levanthal, Office of U.S. Attorney EDNY
One Pierrepont Plaza, 11th Floor, Brooklyn, NY 11201
(718) 330-7367/7100

Charles Tiefer, Acting General Counsel, Office of General Counsel (Attorneys for U.S. House of Representatives Defendants)
U.S. House of Representatives, H-112, The Capitol, Washington, DC 20515

Has consent of opposing counsel:

A. been sought? ☐ Yes ☑ No

B. been obtained? ☐ Yes ☑ No

Has service been effected? ☑ Yes ☐ No

Is oral argument desired? ☐ Yes ☑ No
(Substantive motions only)

Requested return date:
(See Second Circuit Rule 27(b)

Has argument date of appeal been set:

A. by scheduling order? ☐ Yes ☑ No

B. by firm date of argument notice? ☐ Yes ☑ No

C. If yes, enter date:_____

Judge or agency whose order is being appealed:

_____

D3

EMERGENCY MOTIONS, MOTIONS FOR STAYS INJUNCTION PENDING APPEAL

Has request for relief been made below? ☑ Yes ☐ No
(See F.R.A.P. Rule 8) Timely-Motion
Would expedited appeal eliminate need for this motion: ☐ Yes ☐ No

If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard? ☐ Yes ☐ No

---

Brief statement of the relief requested:

Clarification of Jan. 27, 1994 Appeals Court Order, and Injunctions-from-Assault, and other relief, if a Favorable-ReRuling is Volunteered
Complete Page 2 of This Form
(Page 2 attached)

By: *(Signature of attorney)*

_____
Signed name must be printed beneath
NORMAN CARL RABIN

_____
Appearing for: (Name of party)
NORMAN CARL RABIN, PRO SE
Plaintiff-Appellant

D4

Date

Feb. 1, 1994

Appellant or Petitioner:
☑ Plaintiff ☐ Defendant

Appellee or Respondent:
☐ Plaintiff ☐ Defendant

ORDER

Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is

granted **denied**

UNITED STATES COURT OF APPEALS
FILED
MAR 11 1994
GEORGE LANGE III, CLERK
SECOND CIRCUIT

U.S. GOVERNMENT PRINTING OFFICE 1991/514-388

3/11/94
Date

Court Judge

APPENDIX E

AMENDMENT V
TO THE UNITED STATES CONSTITUTION

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT IV
TO THE UNITED STATES CONSTITUTION

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.